

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Sandra M. Simms ) DOCKET NO.: 3523/2/US  
SERIAL NO.: 09/933,366 ) GROUP ART UNIT: 1614  
FILED: August 20, 2001 ) EXAMINER: Cybille Delacroix-Muirheid  
TITLE: SOLUTION COMPOSITION OF AN OXAZOLIDINONE ANTIBIOTIC  
DRUG HAVING ENHANCED DRUG LOADING

Commissioner for Patents  
P.O. Box 1450  
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**DECLARATION BY DR. JEFFREY BARTZ, UNDER 37 CFR §1.131**

Sir:

I, Dr. Jeffrey Bartz, declare that:

1. I am an associate professor of chemistry at Kalamazoo College, where I have worked since September 1997.
2. As a Kalamazoo College professor, I have acted as a faculty advisor to Kalamazoo College students doing research projects at Pharmacia and Upjohn Company, through the company's Student Intern Research Program.
3. Upon information and belief, all Kalamazoo College professors and other personnel at the college associated with the Student Intern Research Program maintain the confidentiality of information regarding the research projects.
4. In the Winter term of 2000, I worked with one such student, Robert Hilliard.
5. On January 7, 2000, Robert submitted a document entitled "The Complexation of Hydroxypropyl- $\beta$ -Cyclodextrin with Oxazolidinones: A Study on the Effect of Cyclodextrins in Terms of Solubility Enhancement, Increased Dissolution Rate, and Precipitation Inhibition, a copy of which is attached as Exhibit A ("the Hilliard Paper"), describing research he had done at Pharmacia and Upjohn Company, through the Student Intern Research Program.

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6. To my knowledge, the Hilliard Paper has never been shown to anyone other than Pharmacia and Upjohn Company employees and to other Kalamazoo College faculty members involved in the Student Intern Research Program.
7. From the date on which the Hilliard Paper was submitted to me, as described in paragraph 5, above, the paper has been kept in a locked cabinet in the Kalamazoo College Chemistry Department office when not being reviewed by faculty members of the department involved in the Student Intern Research Program, a cabinet to which only Chemistry Department faculty members have access.
8. On February 23, 2000, Robert Hilliard gave an oral presentation at the University of Kalamazoo College, in which he described the research described in the Hilliard Paper, although, no copies of the paper were distributed at the presentation.
9. Upon information and belief, the title of the Hilliard Paper was placed in the card catalog of the Upjohn Library at Kalamazoo College in the Summer of 2000; however, the Hilliard Paper not was placed in the library, nor made accessible through the library.
10. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of an application or any patent issuing thereon.

  
\_\_\_\_\_  
Dr. Jeffrey Bartz

11/23/2004  
\_\_\_\_\_  
Date